



**The Commonwealth of Massachusetts**

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**DEPARTMENT OF  
TELECOMMUNICATIONS AND ENERGY**

**SENT VIA E-MAIL AND U.S. MAIL**

**MEMORANDUM**

TO: Service List, D.T.E. 97-88/97-18 [Phase II]

FROM: Kevin F. Penders, Hearing Officer

DATE: July 9, 2004

RE: Request by Verizon for Extension of Filing Date

CC: Mary Cottrell, Secretary

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On June 23, 2004, the Department of Telecommunications and Energy ("Department") issued its Order in D.P.U./D.T.E. 97-88/97-18 (Phase II) ("Order"), and directed Verizon Massachusetts ("Verizon") to submit its compliance tariffs regarding Public Access Line ("PAL") and Public Access Smart-pay line ("PASL") services on July 8, 2004. On July 6, 2004, Verizon filed with the Department a Motion for Extension of Filing Date ("Motion"), contending that it has had to develop a new wholesale tariff to reflect the payphone functions and features associated with the existing PAL and PASL retail offerings (Motion at 1). Because of the need to develop this new rate structure, Verizon seeks an extension of two weeks to file its compliance tariffs. The New England Public Communications Council, Inc. ("NEPCC") filed its opposition to the Motion ("Opposition") on July 7, 2004. NEPCC contends that this proceeding has an already long history, and that NEPCC could be prejudicially affected by the delay due to an internal ambiguity in the Department's Order (Opposition at 2).<sup>1</sup>

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<sup>1</sup> In the Order at 35, the Department stated that "on the ninetieth day following the issuance of the Department's Order approving Verizon MA's compliance filing, the new rates shall be effective." This is inconsistent with a prior statement in the Order that the "effective date [will be] 90 days from the date of the compliance filing." Order at 34.

The Hearing Officer determines that the submission of a consistent and accurate compliance filing is in the interest of the Department and all parties. Requiring Verizon to file a partial or incomplete tariff for the sake of meeting the July 8<sup>th</sup> deadline will do little to help the Department review the compliance filing in a timely and efficient manner. NEPCC's Opposition is not based primarily on Verizon's extension request, but more on the ambiguity present in the Department's Order, and what effect, if any, the approval of Verizon's extension request will have on the Department's overall approval of Verizon's compliance filing. The Hearing Officer determines that the ambiguity identified in NEPCC's Opposition may require clarification by the Department. Therefore, the Department shall treat NEPCC's Opposition as a request for clarification and will respond by Department Order, if necessary. In the interim, Verizon's extension request is approved.

If you have any questions, please contact Kevin Penders at (617) 305-3624.